

Air Quality Permitting and Montana



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Air Resources Management Bureau

Montana Department of Environmental Quality

Air Quality Program Authority

Statutory Authority

- Montana Clean Air Act
- Montana Code Annotated (Title 75, Chapter 2)
- Federal Clean Air Act

Rules

- Code of Federal Regulations
- Administrative Rules of Montana (Title 17, Chapter 8)

Air Quality Permitting

- **Montana Air Quality Permits (MAQP)**

- Minor Source
- Major Source/New Source Review

- **Title V Operating Permit (OP)**



Regulated Air Pollutants

Particulate Matter (<10 ug/m³, <2.5 ug/m³)

Carbon Monoxide (CO)

Sulfur Dioxide (SO₂)

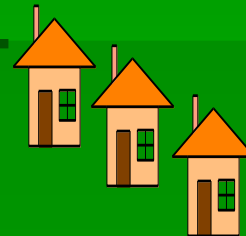
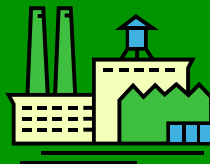
Oxides of Nitrogen (NO_x)

Volatile Organic Compounds (VOCs)

Lead (Pb)

Miscellaneous (Mercury (Hg), Hazardous Air Pollutants (HAPs))

Sources



Potential to Emit

...briefly defined as the maximum capacity of a facility or emitting unit, within physical and operational design, to emit a pollutant.



Montana Air Quality Permits (MAQP)

MAQP required when:

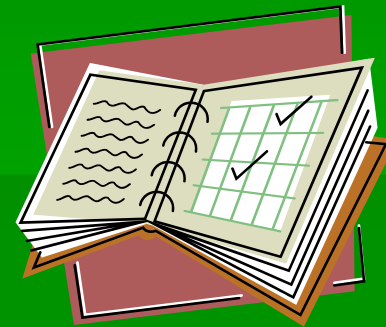
- ❖ PTE > 25 tpy of any regulated pollutant other than lead
- ❖ PTE > 15 tpy of any regulated pollutant for mineral crusher/screen/asphalt/concrete plants
- ❖ PTE > 5 tpy of lead
- ❖ Incinerators

Existing facility/modifications:

- ❖ Facility modification (grandfathered source): PTE > 25 tpy of any regulated pollutant
- ❖ De minimis : PTE < 5 tpy of any regulated pollutant (final and effective 5/28/2010)
- ❖ PTE > 0.6 tpy for lead

MAQP Application Requirements

- Application (Stationary or Portable)
- Application Fee
- Affidavit of Public notice
- Emission Inventory
- Modeling Analysis
- BACT Analysis
- Project and Site Information



Montana Environmental Policy Act

- *MEPA (1971) is patterned after NEPA (1969)*
- *MEPA is not a statute that controls or regulates*
 - Agencies must consider the effects of pending decisions on the environment and the people prior to making the decision—keep the public informed
- *Department actions require compliance with MEPA*
 - Environmental Assessments (EA) and/or
 - Environmental Impact Statements (EIS)

MAQP Time Frames

Application Review by Department

- ✓ Complete or Incomplete within 30 days of received application

Preliminary Determination (PD)

- ✓ Issue PD 40 days from receipt of complete application
- ✓ 15 day or 30 day public comment period

Department Decision (DD)

- ✓ 15 day appeal period to Board of Environmental Review

Final Permit Issued:

- ✓ 16 days after DD (unless a stay is granted)

Permit process timeframe is 75 – 90 days (from a complete application to final permit issuance)

Title V Operating Permit

- Applies to any major source
- Requires a “complete” application within 12 months after commencing operation
- Permits consolidate all air quality regulatory requirements
- Permits establish a compliance demonstration, recordkeeping and reporting requirements
- Permits take no less than 110 days to become effective
- Permits are subject to a 30 day public comment period
- Permits are subject to a 45 day EPA review period
- Permits are subject to a 30 day appeal period
 - EPA has an appeal period of 60 days beginning at the end of EPA’s 45 day review period
 - Other appeals go to Montana Board of Environmental Review
 - Permits are then final and effective in the State of Montana
- Permits are required to be renewed every five years

Guidance

- **Administrative Rules**

- <http://deq.mt.gov/dir/legal/Chapters/Ch08-toc.mcp>

- **Permit Application**

- <http://deq.mt.gov/AirQuality/airForms.mcp>

- **Questions**

- Contact Air Resources Management Bureau